

# **Olivia Y., Jamison J., et al. V. Phil Bryant, Donald Taylor, et al.**

**Tracy Malone**

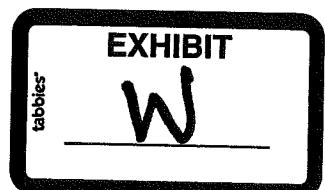
**November 28, 2018**

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1 TRACY MALONE,  
2 having been first duly sworn, was examined and  
3 testified as follows:  
4 EXAMINATION BY MS. LOWRY:

5 Q. Would you state your name for the  
6 record, please?

7 A. Tracy Malone.

8 Q. Have you -- were you ever employed by  
9 Mississippi Department of Child Protective  
10 Services?

12 Q. And what was your last position at  
13 MDCPS?

14 A. I was the Deputy Commissioner of Child  
15 Welfare.

16 Q. And how long, altogether, were you  
17 employed in different positions by MDCPS?

18                   A.    Approximately 28 years.

19 Q. And what -- just tell us what positions  
20 you held. You don't have to break it down by  
21 time.

22           A. I started out, as, I actually did my BFW  
23           internship with the agency, graduated, and two  
24           weeks later went to work as a social worker in the  
25           county, did that for several years, was a regional

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1                   Do you think he was helpful to you in  
2 your efforts to retain more workers?

3                   A. I would agree with that in some ways.

4                   Q. In other ways not?

5                   A. I mean, I don't think he was not  
6 helpful. I don't think that -- you know, I don't  
7 think that it was -- I don't think it was anything  
8 that was not helpful.

9                   Q. Are you represented today by counsel?

10                  A. Yes.

11                  Q. And did there come a time when you  
12 received a call before you had represent -- maybe  
13 a retention agreement with counsel, when you  
14 received a call from me?

15                  A. Yes, I had a voicemail.

16                  Q. And did you return the call?

17                  A. No, I did not.

18                  Q. And when you left the agency, the  
19 announcement said that you had retired.

20                  Did you, in fact, retire?

21                  A. I did, yes.

22                  Q. You retired from MDCPS.

23                  Did you take another job?

24                  A. Yes.

25                  Q. Okay. And what is the job that you have

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1 taken?

2 A. I have taken a job as a senior associate  
3 with the Center for Support for Families at Allied  
4 Government Solutions.

5 Q. And is that a full-time job?

6 A. Yes.

7 Q. So you retired from MDCPS, but you did  
8 not retire from child welfare; is that right?

9 A. That's correct. I took several months  
10 off and then started another job.

11 Q. So you continue to work in the area of  
12 child welfare?

13 A. Yes, I do.

14 Q. Are you concerned that your testimony  
15 here today may have some sort of a negative impact  
16 on the current job you have?

17 A. No, not at all.

18 Q. Did you, in fact, leave MDCPS because  
19 you were discouraged about the direction in which  
20 the agency was headed?

21 MS. RACHAL: Objection, beyond the  
22 scope, continuing objection.

23 Q. (By Ms. Lowry) You have to say a word.  
24 Shaking your head doesn't work.

25 A. Okay. No.

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1 Q. So you were perfectly happy at MDCPS?

2 A. I -- it was -- it was the right time for  
3 me to retire and move to another career in my  
4 life, so --

5 Q. Did you have plans to retire at that  
6 time if, for example, Commissioner Chandler had  
7 stayed?

8 MS. RACHAL: Again, objection.

9 THE WITNESS: I can't -- I don't know.  
10 I mean the -- I had plans to retire sometime  
11 between 28 and 38 -- 30 years, and it was 28  
12 years, so --

13 Q. (By Ms. Lowry) Did you express  
14 dissatisfaction about Commissioner Dickinson's  
15 leadership before you left the job?

16 MS. RACHAL: Objection. Continuing  
17 objection.

18 Q. (By Ms. Lowry) So you have to -- again,  
19 shaking your head doesn't work.

20 A. No, I'm trying to think how I would  
21 respond to that. I did not leave the job because  
22 of Commissioner Dickinson. That is not why I left  
23 the job.

24 Q. Did you leave the job because of the  
25 direction in which the agency was headed?

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1 MR. JONES: That's the same question.

2 She's answered it.

3 THE WITNESS: I mean, I feel like I've  
4 answered that question. The -- the agency,  
5 itself, is not why I left the job. I would  
6 not have left the job if I was not -- if I  
7 did not have 28 years and was eligible to  
8 retire with, you know, the benefits that I  
9 was able to retire with. I would probably  
10 still be there, but I -- it was the right  
11 decision for me to leave at the time  
12 personally and professionally, so --

13 MS. LOWRY: We'll take a break.

14 (A short break was taken.)

15 Q. (By Ms. Lowry) I'd like to show you a  
16 document that we previously marked as Exhibit 5.  
17 This is a document that is from Taylor Cheeseman  
18 to Kris Jones.

19 And you know who Kris Jones is, right?

20 A. Yes.

21 Q. And this is a document about, "Further  
22 hiring should be limited to essential personnel"  
23 -- I'm reading from the next to last sentence --  
24 "and replacing separations from MDCPS. Until  
25 further notice, no hires may be finalized until

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1 Q. (By Ms. Lowry) So you were concerned  
2 about the fact that staff -- more staff would get  
3 discouraged and perhaps leave; is that right?

4 A. That certainly could be -- it could  
5 affect retention in that way.

6 Q. And had you been concerned about that  
7 from shortly after the time Commissioner Dickinson  
8 arrived?

9 A. Not initially, no.

10 Q. Then when were you -- when did you  
11 become concerned about that?

12 A. At the point that -- I don't recall  
13 dates. It was at some point in the legislative  
14 session, so it would have been after the first of  
15 the year at some point when there was discussion  
16 about the budget issues and inability to hire  
17 staff, so --

18 Q. So when you were saying that you didn't  
19 leave because of any individuals, was it that you  
20 did leave and you decided to leave because you  
21 were concerned about morale at the agency or that  
22 was one of your concerns?

23 MS. RACHAL: Objection.

24 THE WITNESS: I think I've answered that  
25 question.

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1 Q. (By Ms. Lowry) I'd like you to please  
2 answer it again.

3 MS. RACHAL: Objection. You can answer.

4 THE WITNESS: I mean, my choosing leave  
5 was a professional and personal decision. It  
6 was -- it was not -- I did not leave because  
7 of the agency, itself. It was the best -- it  
8 was in my best interest and my family's best  
9 interest, at that point, for me to leave.

10 Q. (By Ms. Lowry) Did you have another job  
11 offer at the time you left?

12 A. No, not at that time, but I was not  
13 concerned. I felt that there would be other  
14 opportunities.

15 Q. Prior to Commissioner Dickinson coming  
16 into the agency, you had planned to stay for a  
17 couple of years, though, is that right?

18 A. I had always intended to stay at least  
19 for 28 years, and which is what I did. There  
20 are -- there are specific financial incentives to  
21 the retirement if you have at least 28 years in  
22 State service, and so that was the first -- that  
23 was the threshold that I was trying to reach.

24 At that time, I was traveling to Jackson  
25 every week away from my family and gone throughout

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1 the week, and it became a situation where it was  
2 best for me to -- financially, it was best, and  
3 personally, it was best for me to go ahead and  
4 retire.

5 Q. But you had not planned that before  
6 Commissioner Dickinson came to the agency?

7 MS. RACHAL: Object to form.

8 THE WITNESS: I did not, no. I mean, it  
9 was an option, but I didn't plan to. I  
10 didn't plan not to. So --

11 Q. (By Ms. Lowry) And the Commissioner --  
12 and were you receiving a -- a -- when you were  
13 traveling to Jackson, did you have a place to  
14 stay?

15 A. Yes, I rented a room from someone.

16 Q. And did Commissioner Dickinson notify  
17 you that the agency would -- well, I'll withdraw  
18 that. Was the agency paying for you to rent the  
19 room?

20 A. No, they were not paying for that.

21 Q. You were paying for it yourself?

22 A. Yes.

23 Q. So Commissioner Dickinson did not change  
24 the arrangement for the payment of your housing?

25 A. No.